

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DORETHA B. PERKINS,

Plaintiff,

v.

1:22-cv-890

PENNSYLVANIA HIGHER  
EDUCATION ASSISTANCE AGENCY  
and DR. MIGUEL CARDONA,  
SECRETARY OF THE U.S.  
DEPARTMENT OF EDUCATION,

Defendants.

**DENIAL OF ENTRY OF DEFAULT**

This matter comes before the undersigned clerk of court upon Plaintiff's Motion for Entry of Default, which was filed on December 27, 2022.

Plaintiff seeks entry of default against defendant Dr. Miguel Cardona, Secretary of the U.S. Department Of Education. Plaintiff provided evidence of serving the summons and complaint on the defendant and the U.S. Attorney General via certified mail. (D.E. 10). However, Plaintiff has not provided evidence of serving the United States Attorney for the Middle District of North Carolina. Pursuant to Federal Rule of Civil Procedure 4(i), service on the United States, its agencies, corporations, officers, or employee must include service on the United States attorney for the district where the action is brought.

Federal Rule of Civil Procedure 55 requires a clerk to enter default when a defendant has "failed to plead or otherwise defend." In this case Rule 55 has not been met as there has been no showing the Defendants have been properly served.

Accordingly, Plaintiff's request for entry of default is hereby denied without prejudice to Plaintiff upon providing evidence of service on the United States Attorney for the Middle District of North Carolina.

This the 28<sup>th</sup> day of December, 2022.

/s/ John Brubaker  
Clerk of Court